

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

NIKCI BOYD,

Plaintiff,

vs.

A. LONZO,

Defendant.

3:15-cv-000310-RCJ-WGC

**REPORT AND RECOMMENDATION
OF U.S. MAGISTRATE JUDGE**

This report and recommendation is made to the Honorable Robert C. Jones, United States District Judge. The action was referred to the undersigned Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and the Local Rules of Practice, LR IB 1-4.

On June 11, 2015, Plaintiff submitted a civil rights complaint to this court. (ECF No. 1-1.) Plaintiff failed to pay the \$350.00 filing fee or to request *in forma pauperis* status.

On June 15, 2015, the court ordered Plaintiff to either pay the filing fee or submit an application to proceed *in forma pauperis* on or before July 15, 2015. (ECF No. 3.) Plaintiff was cautioned that failure to do so could result in a recommendation to the District Judge to dismiss this action. *Id.* On July 9, 2015, Plaintiff filed a Notice of Appeal as to this court's order (ECF No. 4) as well as a motion to extend time to provide financial certificate (ECF No. 5). On July 29, 2015, the Ninth Circuit Court of Appeals dismissed Plaintiff's appeal for lack of jurisdiction. (*See*, ECF Nos. 7, 8, 9.) Following entry of the court's Order on Mandate (ECF No. 10), this court entered an order on November 5, 2015, granting Plaintiff's motion for an extension of time to and including December 5, 2015, to file her application to proceed *in forma pauperis*. Plaintiff was again advised that a failure to do so could result

1 in a dismissal of her case. To date, Plaintiff has failed to pay the filing fee or submit an application to
2 proceed *in forma pauperis*.

3 **IT IS HEREBY RECOMMENDED** that the District Judge enter an Order **DISMISSING** this
4 action without prejudice.

5 Plaintiff should be aware of the following:

6 1. That she may file, pursuant to 28 U.S.C. § 636(b)(1)(c) and Rule IB 3-2 of the Local
7 Rules of Practice, specific written objections to this Report and Recommendation within fourteen (14)
8 days of receipt. These objections should be titled "Objections to Magistrate Judge's Report and
9 Recommendation" and should be accompanied by points and authorities for consideration by the District
10 Court.

11 2. That this Report and Recommendation is not an appealable order and that any notice of
12 appeal pursuant to Rule 4(a)(1), Fed. R. App. P., should not be filed until entry of the District Court's
13 judgment.

14 DATED: December 16, 2015

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16 WILLIAM G. COBB
17 UNITED STATES MAGISTRATE JUDGE
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